IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5981 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GIRISHKUMAR K DAVE - Petitioner(s)
Versus
GUJARAT STATE CIVIL SUPPLY CORPORATION & 2 - Respondent(s)

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Appearance :
MR SI NANAVATI for Petitioner(s) : 1,
MR Varun K. Patel for KM PATEL for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 04/02/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article 226 of the Constitution of India praying

for quashing and setting aside the apprehended action and order of respondents to place the petitioner under suspension and has further prayed for stay against the implementation of the order of suspension against the petitioner.

2. The petition was admitted and rule was issued on 05.10.1990. At the time of issuance of rule, the court has observed that granting of interim relief would be in substance allowing the petition at that stage. Such an interim relief could not be granted. The court has, however, issued direction to the respondents to complete inquiry as expeditiously as possible. The Court has also granted liberty to move the Court in case of necessity.

3. More than 15 years have passed and yet no one has moved. An affidavit-in-reply was filed by the respondent on 22nd August, 1990 and affidavit-in-rejoinder was filed by the petitioner on 28.08.1990. After considering the petition, affidavit-in-reply as well as affidavit-in-rejoinder, aforesaid interim order was passed by

the Court.

4. Since the Court has not granted stay against the apprehended action of the respondent to place the petitioner under suspension or has not granted any stay against the order of suspension, the order might has been passed and the same might has been implemented. The inquiry also might has been completed and necessary actions might have been taken. In any case, by efflux of time, the suspension order, if any might has been implemented and challenge to the same become infructuous. The court is therefore of the view that the petition does not survive as it has become infructuous. The petition is accordingly disposed of. Rule is discharged without any order as to costs.

(K.A.PUJ, J.)

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